

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Judiciary, to which was referred Senate Bill No. 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 1, delete lines 1 through 9, begin a new paragraph and insert:  
2           "SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. The court of  
4           appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the  
5           hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts  
6           described in section 2 of this chapter under Article 7, Section 5 of the  
7           Constitution of the State of Indiana.  
8           SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS  
9           FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. Indiana is  
10          divided into ~~five (5)~~ **six (6)** geographic districts, which shall be  
11          designated as the "court of appeals - First District; Second District;  
12          Third District; Fourth District; ~~and~~ Fifth District; **and Sixth District**"  
13          as follows:  
14               (1) First District: Bartholomew, Boone, Brown, Clark, Clay,  
15               Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd,  
16               Fountain, Franklin, Gibson, Greene, Hancock, Harrison,  
17               Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox,  
18               Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange,  
19               Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley,

Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

**(6) The entire state constitutes the Sixth District.**

SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

(b) The following requirements apply to judges of the Fourth, ~~and~~ Fifth, **and Sixth** Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred."

SECTION 4. IC 33-33-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Floyd superior court has ~~one (1) judge~~, **two (2) judges**, who shall be elected at the general election every six (6) years in Floyd County. ~~The~~ A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor."

Page 2, line 5, after "judges" insert ".".

1 Page 2, line 5, strike "who shall hold sessions in".

2 Page 2, strike line 6.

3 Page 2, delete lines 7 through 17, begin a new paragraph, and insert:

4 "SECTION 8. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**  
5 **IC 33-33-22-3, as amended by this act, the Floyd superior court is**  
6 **not expanded to two (2) judges until January 1, 2009.**

7 (b) **The initial election of the judge of the Floyd superior court**  
8 **added by IC 33-33-22-3, as amended by this act, is the general**  
9 **election on November 4, 2008. The term of the initially elected**  
10 **judge begins on January 1, 2009.**

11 (c) **This SECTION expires January 2, 2009."**

12 Page 2, delete lines 26 through 33, begin a new paragraph and  
13 insert:

14 "SECTION 10. [EFFECTIVE JULY 1, 2007] (a) **The judicial**  
15 **nominating commission shall, in accordance with IC 33-27-3,**  
16 **nominate three (3) candidates for each of the three (3) judgeships**  
17 **for the court of appeals - Sixth District created by IC 33-25-1, as**  
18 **amended by this act. The commission shall submit the nominations**  
19 **to the governor before July 1, 2008.**

20 (b) **The governor shall appoint the three (3) initial judges of the**  
21 **court of appeals - Sixth District from the list of nominees submitted**  
22 **by the judicial nominating commission. The effective date of the**  
23 **appointments is January 1, 2009.**

24 (c) **The Indiana department of administration, with the**  
25 **approval of the chief judge of the court of appeals, shall arrange**  
26 **for facilities for the court of appeals - Sixth District in Indianapolis**  
27 **before January 1, 2009.**

28 (d) **This SECTION expires January 2, 2009."**

29 Renumber all SECTIONS consecutively.

(Reference is to SB 147 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Appropriations.**

Committee Vote: Yeas 9, Nays 0.

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Bray

Chairperson